

11/5/79


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Lillian D. Ruben
11-06-79

In Reply Please Refer To The Following:		
EXAMINER'S NAME J F Niebling		
117	07/06/79	55,437
GR. ART UN.	FILING DATE	SERIAL NO.
Werner Bollag		
APPLICANT		INVENTION
POLYENE COMPOUNDS		

Paper No. 5/B

Mailed _____

Jon S. Saxe
340 Kingsland St.
Mutley, N.J. 07110

MAILED
NOV 14 1979
GROUP 110

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents and Trademarks

**CHANGES AND/OR ADDITIONS TO THE APPLICATION RECORD MADE BY THE
EXAMINER UPON ALLOWANCE**

This application is in condition for allowance and the following changes have been made therein by the Examiner. Should the changes be unacceptable to applicant, an appropriate amendment may be proposed after the Notice of Allowance has been received, as provided under Rule 312. To ensure consideration of such an amendment, it must be submitted on or before remittance of the Base Issue Fee.

PROSECUTION ON THE MERITS IS CLOSED. A NOTICE OF ALLOWANCE WILL BE MAILED IN DUE COURSE.

[] Note attached Notice of References Cited PTO892, which is part of this communication. The listed references are considered to be pertinent to the claimed invention, but the claims are deemed patentable thereover.

In accordance with a telephone communication with Mr. Johnston on October 22 and November 1, 1979, the following changes have been authorized

amend title to read

--9 Phenyl-Nonatetraene Compounds--

Cancel Claims 1 to 29.

These claims have been cancelled as the non-elected invention under the following restriction under 35 USC 121:

PLEASE FURNISH YOUR ZIP CODE IN ALL CORRESPONDENCE

Serial No. 55,437

-2-

Art Unit 117

I. Claims 1 to 25 phosphonium compounds;
Class 260-606.5 F.

II. Claims 26 and 27, phosphorous esters,
Class 260-290+

III. Claims 28 and 29, sulphone compounds,
Class 260-502.6+

IV. Claims 40 to 75 phenyl tetraene;
260-404+

These inventions represent separate and distinct Classes of Chemical compounds having unique Chemical and Physical properties. The Claims are allowable because these types of compounds are not disclosed in the prior art wherein the phenyl ring always contains a lower alkyl moiety; also, given applicants' utility as anti-tumor agents, it would not have been obvious from the prior art compounds to make this substitution.

Receipt is acknowledged of papers submitted under 35 USC 119, which papers have been made of record in the parent cases SN's. 454,007 and 601, 148.

John F. Niebling
JOHN F. NIEBLING
PRIMARY EXAMINER
GROUP ART UNIT 117

JFNiebling:ebm

703-557-3591

11/5/79